## REMARKS

### I. Introduction

Claims 6 to 8, 10 and 11 are currently pending. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### II. Rejection of Claims 6 and 7 Under 35 U.S.C. § 103(a)

Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,091,856 to Hasegawa et al. ("Hasegawa") in view of RFC 791 "Internet Protocol" (hereinafter "RFC 791"). Applicants respectfully submit that the applied references do not render obvious the subject matter of claims 6 and 7 for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 6 recites a controller for a plurality of electric loads of a motor vehicle that includes, *inter alia*, a central computer and a plurality of local computers that correspond to and are configured to control a respective electric load, each local computer being connected to the central computer via the databus and being configured to exchange control data according to an Internet protocol via the databus, **wherein each local computer includes a server program for the data exchange and wherein the central computer includes a browser program**.

In support of the rejection, the Examiner contends that Hasegawa teaches the above-recited claimed features of "each local computer being connected to the central computer via the databus . . . , **wherein each local computer includes a server program for the data exchange and wherein the central computer includes a browser program,**" since "any given program may be capable of acting as both a client and a server." However, even if the Examiner were correct in this assertion (Applicants do not agree with this assertion), the applied prior art references must teach or suggest the claimed limitations, i.e., Hasegawa must teach or suggest that **a program specifically acts as a server or as a client program.** To the extent the Examiner may be suggesting that the above-recited claimed features are inherently taught or suggested by Hasegawa, Applicants note that "[t]he fact that certain result or characteristic **may occur or be present** in the prior art is not sufficient to establish the inherency of that result or characteristic." (M.P.E.P. § 2112, citing In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q.2d 1955 (Fed. Cir. 1993)). Clearly, the applicable law is that it is insufficient to simply allege that a "given program may be capable of acting as both a client and a server." As explained in further detail below, the actual disclosure of Hasegawa clearly does not teach or suggest the claimed features of claim 6.

As indicated in column 11, lines 34-52 of Hasegawa, the program of the system manager 1 brings the local units from the stoppage status into the waiting status, and subsequently (upon user input) further into the operation status. This clearly shows that the local units are controlled by the system manager 1, which means that the actual teachings of Hasegawa clearly indicate that the system manager has a server role and the local unit has a client role. Accordingly, Hasegawa fails to teach or suggest the above-recited claimed features of "each local computer being connected to the central computer via the databus . . . , **wherein each local computer includes a server program for the data exchange and wherein the central computer includes a browser program.**" Since the secondary applied reference RFC 791 also does not teach or suggest this feature, claim 6 and its dependent claim 7 are allowable over the combination of Hasegawa and RFC 791.

Independent of the above, Applicants note that there is no suggestion in the applied prior art that would motivate one of ordinary skill in the art to combine the teachings of both Hasegawa and RFC 791 to use an Internet protocol for exchanging data, or to use a browser

program in the central computer. A person skilled in the art would not be motivated to use the Internet protocol in a system described in Hasegawa since, due to the fact that the local units are controlled by the system manager, there must be data security standards which the Internet protocol does not provide. For example, RFC 791 indicates on page 4:

> The internet protocol does not provide a reliable communication facility. There are no acknowledgments either end-to-end or hop-by-hop. There is no error control for data, only a header checksum. There are no retransmissions. There is no flow control.

In view of the foregoing, it is submitted that the applied combination of Hasegawa and RFC 791 does not render obvious claim 6 or its dependent claim 7. Withdrawal of the obviousness rejection of claims 6 and 7 is accordingly respectfully requested.

## III. Rejection of Claims 8 and 10-11 Under 35 U.S.C. § 103(a)

Claims 8 and 10-11 have been rejected under 35 U.S.C. 103(a) as unpatentable over Hasegawa in view of RFC 791, and further in view of U.S. Patent No. 4,594,571 to Neuhaus et al. ("Neuhaus").

Claims 8, 10 and 11 depend from claim 6. As indicated above, the combination of Hasegawa and RFC 791 fails to teach or suggest the claimed features of "each local computer being connected to the central computer via the databus . . . , **wherein each local computer includes a server program for the data exchange and wherein the central computer includes a browser program,**" as recited in claim 6. In addition, Neuhaus also fails to teach or suggest these claimed features of claim 6. Accordingly, Applicants respectfully submit that the applied references do not render obvious independent claim 6 or its dependent claims 8, 10 and 11. Withdrawal of the obviousness rejection of claims 8, 10 and 11 is therefore respectfully requested.

## IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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